

# **City of Lanesboro Tree Ordinance**

## **PURPOSE:**

It is the purpose of this ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City of Lanesboro to the extent found by the City Council to be necessary, practical and within available financial and staff resources. This ordinance provides full power and authority over all trees, plants and shrubs located within the street right-of-way, parks and public places of the City of Lanesboro; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described in this ordinance.

## **DEFINITIONS:**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Park Trees:** Any trees, shrubs, bushes and all other woody vegetation growing in public parks and all other areas owned by the City of Lanesboro

**Street Trees:** Any trees, shrubs, bushes, and all other woody vegetation growing on either side of all streets, avenues and right-of-ways within the City of Lanesboro

**Boulevard:** The area between the edge of a street or curb and the property line.

## **CITY TREE BOARD:**

Creation and Establishment:

There is hereby created and established a City Tree Board for the City of Lanesboro, State of Minnesota. The acting members of the City of Lanesboro Park Board shall be deemed the official Tree Board, this board consists of 5 members, whom are citizens and residents of the City of Lanesboro. The Board Members shall receive no compensation for serving as the Tree Board.

## **Duties and Responsibilities:**

1. It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.
2. The plan will be presented annually to the Lanesboro City Council and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the City of Lanesboro, State of Minnesota.
3. The Board, when requested by the City Council, shall consider, investigate, and make findings, reports and recommendations upon any special matter of question coming within the scope of its work.

4. The Board shall keep a journal of its proceedings and a majority of members shall be a quorum for transactions of business.

#### **TREE CITY USA PROGRAM:**

The city desires to participate in and be a member of the Tree City USA Program. For this program, the Tree Board, backed by the Council, shall have an expenditure of at least \$2.00/capita for tree planting and tree care every year. In addition, an annual Arbor Day proclamation and observance shall be initiated and promoted by the City Tree Board.

#### **REGULATIONS REGARDING PLANTING TREES ON BOULEVARDS:**

- A) **Tree Trunks:** Trees planted on boulevards must be cultivated nursery stock with straight trunks not less than 8 feet in height. The trunk should be free of branches for at least 7 feet from the ground.
- B) **Traffic Hazard:** No trees shall be placed on boulevards so as, in the opinion of the Tree Board, to cause hazard.
- C) **Spacing:** All street trees of whatever species and size will be planted no closer together than 25 feet; except in special plantings designated and approved by the Tree Board. Trees shall not be planted closer than 10 feet from future or existing curb returns at intersections.
- D) **Sidewalks:** No person shall plant any tree or shrub in an area reserved for a sidewalk as defined by the City of Lanesboro. Where there is a sidewalk and permission from the Tree Board has been obtained to plant a tree within the sidewalk, any tree planted within the sidewalk must be planted utilizing tree grates. A sidewalk planting is subject to design details approved by the Tree Board.
- E) **Street Intersections and hydrants:** No street tree shall be planted closer than 25 feet from any street intersection, and no street tree shall be planted closer than 15 feet to any existing or planned fire hydrant.
- F) **Driveways:** No street trees shall be planted closer than 15 feet from any driveway.
- G) **Distance from edge of street or sidewalk:**
  - a. Where there is a sidewalk and boulevard is greater than 12 feet wide, boulevard trees are permitted provided they are planted no closer than 6 feet from the edge of the street or from the back of the curb, and no closer than 3 feet from the edge of the sidewalk.
  - b. Where there is a sidewalk and the boulevard is between 4 and 12 feet wide, boulevard trees are permitted provided they are planted in the middle of the boulevard.
  - c. Where there is a sidewalk and the boulevard is less than 4 feet wide, no boulevard trees may be planted.

#### **RECOMMENDED TREE SPECIES:**

The City of Lanesboro promotes a diverse urban forest so as to minimize the spread of tree disease. To assist in meeting this goal, the Tree Board has listed recommended and non-recommended trees for planting in city boulevards.

**RECOMMENDED TREES:**

<u>Green Ash</u>	<u>Fast Growth Rate</u>
<u>Mountain Ash</u>	<u>Medium to fast growth rate</u>
<u>White Ash</u>	<u>Medium to fast growth rate</u>
<u>Black Ash</u>	<u>Medium growth rate</u>
<u>Crabapple</u>	<u>Medium growth rate</u>
<u>Pin Oak</u>	<u>Medium growth rate</u>
<u>Burr Oak</u>	<u>Medium growth rate</u>
<u>Russian Olive</u>	<u>Medium growth rate</u>
<u>Amur Maple</u>	<u>Medium growth rate</u>
<u>Norway Maple</u>	<u>Medium growth rate</u>
<u>Red Maple</u>	<u>Slow to medium growth rate</u>
<u>Sugar Maple</u>	<u>Slow to medium growth rate</u>
<u>Ironwood</u>	<u>Medium growth rate</u>
<u>Hackberry</u>	<u>Slow growth rate</u>
<u>Honey Locust</u>	<u>Medium growth rate</u>
<u>American Linden</u>	<u>Slow growth rate</u>
<u>Little Leaf Linden</u>	<u>Medium to slow growth rate</u>

**NON-RECOMMENDED TREES:**

<u>Box elder</u>	<u>Brittle wood</u>
<u>Silver Maple</u>	<u>Weak wood, shallow roots</u>
<u>Birch</u>	<u>Susceptible to die-back, birch boers</u>
<u>Black Walnut</u>	<u>Messy, early defoliation</u>
<u>Mulberry</u>	<u>Messy fruit</u>
<u>Poplars</u>	<u>Short-lived, sucker roots</u>
<u>Black Locust</u>	<u>Susceptible to boers, sucker roots</u>
<u>Willows</u>	<u>Weak wood, numerous twigs</u>
<u>Elms</u>	<u>Susceptible to Dutch Elm Disease</u>
<u>Oaks (White and Red)</u>	<u>Too large, shallow roots</u>
<u>Pines</u>	<u>Too large, obstructs traffic</u>
<u>Spruces</u>	<u>Too large, obstructs traffic</u>
<u>Cedars</u>	<u>Too large, obstructs traffic</u>
<u>Other Evergreens</u>	<u>Too large, obstructs traffic</u>

**UTILITIES:**

No street trees, other than those species listed as small trees or medium trees, may be planted under or within 10 lateral feet of any overhead utility service containing two or more wires, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility line.

**TREE TOPPING:**

It shall be unlawful as a normal practice for any person, firm or city department to top any street trees, park trees or other trees on public property.

**TOPPING** is defined as a sever cutback of limbs to stubs larger than 3 inches in diameter within the tree's crown to a degree so as to remove the normal canopy and disfigure the tree.

**PUBLIC TREE PERMITS:**

Any planting, removal, topping or maintenance of any public trees, park or street trees by private or city employees will first be reviewed by the Tree Board, who will decide upon the action to be taken and/or issuance of a permit.

**PRUNING AND CLEARANCE:**

- A) Every owner of any tree on private property or street trees, overhanging any street right-of-way within the city shall prune the branches so that the branches shall not obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the sidewalk and 10 feet above any street.
- B) The owners shall remove any tree or part thereof which are dead, diseased, and/or dangerous or remove any broken decayed limbs which constitute a menace to the safety of the public and to other trees within the city.
- C) The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or which interferes with the visibility of any traffic control device or sign.

**MAINTENANCE AND REMOVAL:**

- A) The City of Lanesboro shall have the right to plant, maintain and remove trees, plants and shrubs within the right-of-way lines of all streets, alleys, lanes or squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public grounds.
- B) The city may cause or order to be removed, any tree or part thereof, which is in an unsafe condition or by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or is affected by any injurious fungus, insect or other pest.
- C) The city shall have the right to remove any dead or diseased trees on private property within the city, when the tree constitutes a hazard to life, property, or disease, which constitutes a potential threat to other trees within the city.
- D) Provisions relating to the inspection and designation of a tree as a public nuisance, and providing for its removal are established in the City of Lanesboro Nuisance Ordinance.
- E) The City of Lanesboro staff will make every effort to notify property owners adjacent to the trees that are planned to be removed. The adjacent property owners may, at their own expense, request a second opinion as to the need for removal of the tree. The property owner must provide written documentation by a licensed and insured company that standard practice is tree maintenance proof as to why they feel the tree should not be removed. The final decision will be made by the Tree Board of the City of Lanesboro.

**STUMPS:**

All stumps of street and park trees shall be removed 6 inches below the surface of the ground so that the top of the stump will not project above the surface of the ground.

**LICENSING REQUIREMENTS; INSURANCE:****❖ Licensing Requirements:**

- A) It shall be unlawful for any individual, partnership or corporation to conduct as a business the cutting, trimming, pruning, removing, spraying, or otherwise treating of trees or shrubs in the city without first having secured registration from the city to conduct that business.
- B) Application for registration shall be made through the Tree Board or designee and registration will be granted upon proof that the application meets the following requirements. An annual registration fee shall be set by the City of Lanesboro Tree Board and the registration shall expire annually on December 31.
- C) The license fee shall be \$30 annual in advance; provided, however, that no license shall be required of any public service company or city employee doing the work in the pursuit of their public service endeavors. Registration is not transferrable. The registration fee must be paid at the time of application and the registration fee will not be prorated.

**❖ Insurance:**

- A) All applicants must file with the City Administrator/Clerk a certificate of insurance showing the applicant has purchased liability and worker's compensation insurance which will remain in effect for the term of the registration and that the insurance will not be cancelled without 10 days notice to the City of Lanesboro.
- B) The policies or public liability insurance shall provide public liability coverage to the applicant in the amount of \$100,000 for bodily injury to or death of 1 person per occurrence, \$300,000 because of bodily injury to or death of more than 1 person or occurrence, and \$100,000 property damage coverage per occurrence and shall name the city as an additional insured.

**NEW SUBDIVISIONS:**

- A) In new subdivisions or when the development of commercial property occurs, the Tree Board will review landscaping plans and may require that street trees be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.
- B) Submission of landscaping plans for new subdivisions and commercially developed property shall be part of the permit process and plans so filed with the City Administrator/Clerk shall be made available to the Tree Board for inspection and comment.

**VIOLATIONS, CLAIMS AND APPEALS:**

- A) Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense.

- If, as the result of the violation of any provision of this chapter, the injury, mutilation or death of a tree, shrub or other plant located on city-owned property is caused, the cost of repair or replacement of the tree, shrub, or other plant shall be borne by the party in violation.
  - The value of trees and shrubs shall be determined in accordance with the latest revision of Tree City USA, as published by the International Society of Arboriculture.
- B) In the event that a nuisance is not abated by the date specified in a notice, the Tree Board is authorized to cause the abatement of the nuisance.
- The reasonable cost of abatement shall be filed as a lien against the property on which the nuisance was located.
  - In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.
- C) The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person any appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision.
- D) It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees or trees on public grounds, as authorized in this ordinance.